

Chapter 6: Public Services, Public Ways, and Public Improvements

- 6.1 Purpose.** The purpose of this chapter is to provide regulations governing the provision of public services, public ways, and the construction of public improvements within the City.
- 6.2 Reserved Cemetery and Interment.**
- 6.3 Reserved for Public Library.**
- 6.4 Public Safety Department.** The purpose of this section is to establish a Public Safety Department. The Public Safety Department shall be responsible for police protection, fire protection, rescue and emergency medical services, animal control, building inspections, and code enforcement.
- A. Fire and Emergency Medical Division.** The Public Safety Department shall have a Fire Division to prevent and extinguish fires and to protect lives and property against fires, to promote fire prevention and fire safety, to provide out-of-hospital emergency medical services, to respond to and mitigate hazardous materials incidents, and to answer all emergency calls for which there is no other established agency within the corporate limits of the City and in service of intergovernmental agreements made under Chapter 28E of the Code of Iowa.
- 1. Organization.** The Fire and Emergency Medical Division shall consist of the Fire Chief and such other officers and personnel as may be authorized by the Council.
 - 2. Appointment.** The Fire Chief shall be appointed by the Council.
- B. Police Division.** The Public Safety Division shall have a Police Division.
- 1. Organization.** The Police Division shall consist of the Police Chief and such other law enforcement personnel or contract police protection service as authorized by the Council.

- 2. Appointment of Police Chief and Officers.** A Police Chief may be appointed under Iowa Code 372.4(2) and other law enforcement officers shall be appointed by the Mayor. The Council shall approve any contract for police protection with another agency.

C. RESERVED FOR BUILDING DIVISION.

- D. Other Activities.** The Public Safety Department shall provide animal control and code enforcement services.

6.5 RESERVED FOR PARKS AND RECREATION.

- 6.6 Design Standards and Specifications for Improvements.** The purpose of this section is to adopt uniform design standards and specifications for improvements within the City.

A. Improvements are those that meet any of the following:

- 1.** Are initiated, designed, and constructed by or under the supervision of the City as a public improvement, and maintained by the City.
- 2.** Are initiated, designed, and constructed by a private owner/developer's private engineer and contractor. Upon acceptance of the improvements by the City the improvements are maintained by the City.
- 3.** Those improvements that require review and approval by the Council or Commission of the City, but will remain under private ownership.

- B.** The Iowa Statewide Urban Standard Specifications for Public Improvements, published by the Center for Transportation Research and Education of Iowa State University, and as from time to time amended or supplemented, are hereby adopted by reference as if set out fully as the City's standard specifications for public improvements.

- C.** The Iowa Statewide Urban Design Standards for Public Improvements, published by the Center for Transportation Research and Education of Iowa State University, and as from time to time amended or supplemented, are hereby adopted by reference as if set out fully as the City's design standards for public improvements.

6.7 Right-of-Way Regulations. The purpose of this section is to ensure that all public grounds, utility easements, streets, sidewalks, alleys, bridges, culverts, overpasses, underpasses, grade crossing separations and approaches, public ways, squares, and commons are open, in repair, and free from nuisance.

- A. Building, Planting, or Using Property Located in the Public Right-of-Way or Easement.** Any person who builds any structure or plants any foliage of any kind in the public right-of-way does so at said person's own risk. Should the City or other utility find it necessary to disturb the ground or otherwise clear structures, bushes, trees or plants located in the safety easement or in any way use any utility easement to maintain, replace or relocate any utility structure or device, the City or utility shall not be responsible for replacing, repairing, replanting or restoring any structure or plant placed in the easement right-of-way by any property owner.
- B. Damage to Mailboxes.** Should the City or other utility, damage or destroy any mailbox erected by a property owner within the confines of the street, road, or alley right-of-way, through use of the right-of way including but not limited to snow removal or street cleaning, the City or responsible utility shall pay the actual costs of replacement or repair up to a maximum of \$75.00.
- C. Maintenance of Area Between Lot Line and Curb Line.** It shall be the responsibility of the abutting property owner to maintain all property outside the lot and property lines and inside the curb lines or edge of public streets, except that the abutting property owner shall not be required to remove diseased trees or dead wood on the publicly owned property or right-of-way. Maintenance includes timely mowing, trimming trees and shrubs and picking up litter.
- D. Permit Required.** No person shall perform any of the following work in the public right-of-way, unless such person has obtained a permit from the City and has agreed in writing that said removal, reconstruction or installation will comply with all ordinances and requirements of the City for such work:
 - 1. Connections to the public water system.
 - 2. Installation or replacement of private water service pipes or water service shut-off valves.
 - 3. Connections to the public sanitary sewer system.
 - 4. Installation or replacement of private sanitary sewer service pipes.
 - 5. Construction or reconstruction of driveways.
 - 6. Construction or reconstruction of sidewalks.

7. Installation of stormwater control devices, including driveway culverts.
 8. Planting of trees or shrubs.
- E. Structures in the Right-of-Way.** No property owner shall construct any structure, such as a retaining wall, in the public right-of-way.
- F. Driveway Culverts.** The property owner shall, at the owner's expense, install any culvert deemed necessary under any driveway or any other access to the owner's property and before installing a culvert, permission must first be obtained from the City. In the event repairs are needed at any time with respect to culverts, it shall be the responsibility of the property owner to make such repairs.
- G. Restoration of Public Property.** Any street, sidewalk, or other public property that is affected by any work shall be restored to as good a condition as it was previous to the excavation. After refilling, the affected area shall be maintained in good repair.
- H. Ground Cover.** Living ground cover, such as grass, shall be provided within the area between the lot line and curb line of properties, exclusive of sidewalks and other improvements. Non-living materials (such as walk on bark, mulch, and ornamental rock) may be used for up to twenty-five percent (25%) of the right-of-way exclusive of access.
- I. Responsibility for Maintenance of Driveways and Sidewalks.** It is the responsibility of the property owners abutting any public right-of-way to repair, replace or reconstruct, or cause to be repaired, replaced, or reconstructed, all broken or defective driveways and sidewalks and to maintain it in a safe and hazard-free condition.
- J. Removal of Snow and Ice Accumulations.** It is the responsibility of the abutting property owners to remove snow, ice and accumulations promptly from sidewalks. If a property owner does not remove snow, ice or accumulations within twenty-four (24) hours after being deposited, the City may do so and assess the costs against the property owner for collection in the same manner as a property tax.

K. Responsibility for Sidewalk Maintenance and Liability for Injuries. It is the responsibility of the abutting property owners to repair, replace or reconstruct, or cause to be repaired, replaced or reconstructed, all broken or defective sidewalks and to maintain in a safe and hazard-free condition any sidewalk outside the lot and property lines and inside the curb lines or traveled portion of the public street. An abutting property owner who fails to maintain or repair defective or broken sidewalks as set forth in this section shall be liable for damages caused by said failure to repair, replace or reconstruct broken or defective sidewalks. The City's general duty to maintain public places pursuant to Section 364.12 of the Code of Iowa does not include a duty to remove natural accumulations of snow or ice from sidewalks or to repair, replace or reconstruct all broken or defective sidewalks. However, when the City is the abutting property owner, it has the specific duty of the abutting property owner as set forth in this section.

L. Sidewalk Repairs Required. If the abutting property owner does not maintain sidewalks as required, the Mayor or their designee may serve notice on such owner requiring the owner to repair, replace or reconstruct sidewalks within a reasonable time and if such action is not completed within the time stated in the notice, the City may require the work to be done and assess the costs against the abutting property for collection in the same manner as a property tax.

M. Failure to Perform. If the abutting property owner does not perform an action required under the above section within a reasonable time, the City may perform the required action and assess the cost against the abutting property for collection in the same manner as a property tax.

6.8 Solid Waste . The purpose of this section is to regulate and provide a means for the removal solid waste and refuse from the City.

A. Collection Service. The collection of solid waste from residences within the City shall be only by the designated collector approved the Council. Each household in the City shall be a subscriber for the collection of garbage and refuse and shall pay the fees for collection thereof as set forth herein with the monthly water bill.

B. Collection Practices. Subject to the conditions and limitations set forth in the contract with the designated collector, the City or its contractor shall make collection of garbage and rubbish as follows:

1. The City shall enter into a contract with the designated collector which shall establish appropriate rules for collections and containers.
2. Residential collections of matter in containers shall be made on a regular schedule once each week.
3. Each residential customer shall place containers near the street edge in the public right-of-way in order to receive collection service. Containers shall be promptly removed from the public right-of-way following collection.
4. City staff shall remove containers left in the public right-of-way forty-eight (48) hours after collection and the fee described in Chapter 10 for such removal shall be charged to the account holder.
5. The City shall collect garbage and refuse charge for the service. This service charge is to be paid as an addition to the water bill. All residential units of the City will be charged for collection services, except for vacant units that have shut-off water service. Residential units that have a private water-service will be billed for collection services. All delinquent accounts are subject to a late payment penalty in the amount of 10% of the fee due and further subject to a stoppage of service with a ten-day notice. Any service charge not paid, when due, shall constitute a lien upon the premises served and shall be collected as follows.

C. Non-Residential Service. Non-residential property owners or occupants shall be required to arrange for removal of solid waste at such intervals so as there is no excess accumulation of solid waste.

6.9 Water Utility. Under the authority of Chapter 388 of the Code of Iowa, the City has established a municipal water utility.

A. Authority to Manage Utility. The Council has retained authority to manage the Water Utility and shall act as the Water Board.

B. Establishment of Rates. The Council shall establish water utility rates by ordinance.

C. Mandatory Connections. All residences and business establishments within the City limits intended or used for human habitation, occupancy or use shall be connected to the public water system, if it is reasonably available.

- D. Temporary Rules.** The Mayor or the Council’s designee shall make such rules, not in conflict with the provisions of this chapter, as may be needed for the detailed operation of the water system, subject to the approval of the Council. In the event of an emergency the Utility Staff may make temporary rules for the protection of the system until due consideration by the Council may be had.
- E. Responsibility Beyond the Curb Stop.** All costs and expenses incident to the installation, connection and maintenance of the water service system from the curb stop to the building served shall be borne by the owner.
- F. Lien for Failure to Pay.** In conformance with State Law, the City shall have a lien upon each property served by the Water Utility for all delinquent rates and charges.
- G. Failure to Maintain.** When any portion of the water service pipe, which is the responsibility of the property owner, becomes defective or creates a nuisance and the owner fails to correct such nuisance the City may do so and assess the costs thereof to the property.
- H. Service Outside of the City.** The following rules shall govern the provision of water service to properties outside of the City limit:
- 1. Annexation May Be Required.** From the effective date of this section, requests for utility extensions outside the city limits will be subject to Council discretion. All properties and subdivisions seeking to be served by the water service system may be required to annex into the City limits prior to the extension of services.
 - 2. Rates for Existing Customers Outside City Limits.** Utility service may be provided to any customer located outside the corporate limits, but such service may be provided at under a different rate classification than is provided to similarly situated properties located within the corporate limits.
- I. Shutting-Off the Water Supply to a Property.** The following rules shall govern how the water supply to a customer may be shut-off by the City:
- 1. Failure to Make Payment.** In conformance with State Law, the Water Utility may shut-off the water supply to any customer for failure to make payment for any services, materials, or labor supplied in relation to the customer’s account for water service, or
 - 2. Vacant Property.** Any property which has been vacant for more than thirty (30) days shall be shut-off from the water supply, or

3. Violations. The maintenance of any property standards violation relating to habitability, safety, zoning, or maintenance of a nuisance shall be sufficient cause for the property on which the violation is maintained to be disconnected from the water supply.

4. Duration of Shut-Off. Following shut-off the water supply shall not be turned on again until all factors justifying the disconnection have been corrected.

J. Adoption of State Plumbing Code. The installation, alteration, repair, and replacement of all water systems and connections to the water system shall conform to the State Plumbing Code (2009 Universal Plumbing Code).

6.10 Sanitary Sewer Utility. A municipally owned Sanitary Sewer Utility is hereby established by the Council. The purpose of this section is to establish rules and regulations governing the treatment and disposal of sanitary sewage within the City.

A. Authority to Manage Utility. The Council has retained authority to manage the Sanitary Sewer Utility.

B. Establishment of Rates. The Council shall establish Sanitary Sewer utility rates by ordinance.

C. Rates for Users with Private Water Systems. Users whose premises have private water systems shall not pay sewer rates.

D. Mandatory Connections. The owners of all residences and business establishments intended or used for human habitation, occupancy, or uses, must connect their sewage facilities to the public sewers, if reasonably available.

E. Lien for Failure to Pay. The City shall have a lien upon the property served by the Sanitary Sewer Utility for all delinquent rates and charges, and these delinquent rates and charges shall be collected in the same manner as other taxes.

F. Service Outside of the City. The following rules shall govern the provision of sewer service to properties outside of the City limit:

1. Annexation May Be Required. From the effective date of this section, requests for utility extensions outside the city limits will be subject to Council discretion. All properties and subdivisions seeking to be served by the water service system may be required to annex into the City limits prior to the extension of services.

2. Rates for Existing Customers Outside City Limits. Utility service may be provided to any customer located outside the corporate limits, but such service may be provided at under a different rate classification than is provided to similarly situated properties located within the corporate limits.

G. Adoption of State Plumbing Code. The installation, alteration, repair and replacement of all plumbing systems and connections to the sanitary sewer shall conform to the State Plumbing Code (2009 Universal Plumbing Code).

6.11 Electric Utility. A municipally owned electric utility is hereby established, subject to the following:

A. Operating Policies. The electric utility shall be operated according to policies adopted by resolution of the Council, subject to any controlling regulation of the Iowa Utilities Board.

B. Rates. Rates shall be established by ordinance in Chapter 10 of this Code.

6.12 Reserved for Storm Sewer.

6.13 Severability Clause. If any subsection, provision, clause or paragraph of this Chapter, or rules adopted pursuant hereto, shall be adjudged or declared to be unconstitutional or invalid by any court of competent jurisdiction, such judgment shall not affect the validity of the remaining portions of this section or such rules; and every other portion thereof shall remain in full force and effect. If the delegation of authority to any administrative agency is adjudged or declared invalid, the Council shall operate in place any administrative agency without affecting the validity of the remaining portions of this section or such rules.